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PATENT  
ATTORNEY DOCKET NO. 31242-701.201

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Elizabeth Moyer et al.	)	Confirmation No. 2967
Serial No.: 09/393,590	)	Art Unit: 1645
Filed: September 9, 1999	)	Examiner: DEVI, S.J.N.
Title: STABLE LIQUID FORMULATIONS OF BOTULINUM TOXIN	)	

SUPPLEMENTAL AMENDMENT

M/S Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Introductory Comments:

This Supplemental Amendment is being filed in response to the Office Action dated June 1, 2004. Prior to the extended due date of December 1, 2004, Applicants filed an Amendment in Response to the Office Action, dated December 1, 2004. After the Amendment was filed, Applicants were informed by the European Patent Office regarding Opposition Proceedings in the European Patent Office, including the issuance of a Preliminary Opinion, which is attached herein.

Applicants thereafter informed the Examiner of the status in the EPO Opposition Proceedings, and expressed their desire to harmonize the pending U.S. Application claims with the EPO Opposition Proceedings amendments that are considered to be filed in response to the Preliminary Opinion. Applicants, therefore, ask the Examiner to replace the prior amendments to the claims filed on December 1, 2004, and please reconsider the above-identified application as follows.

Appl. No. 10/066,004  
Amendment dated October 18, 2004  
Reply to Office Action of October 4, 2004

**Please amend the above-identified application as follows:**

**Amendments to the Claims** are reflected in the listing of claims that begins on page 3 of this paper.

**Remarks/Arguments** begin on page 10 of this amendment.

**WSGR** Wilson Sonsini Goodrich & Rosati  
PROFESSIONAL CORPORATION

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Date: March 9, 2005

To: Examiner S. Devi, Ph.D. Fax: 703-872-9306

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**Message:**

U.S. Patent Application No.: 09/393,590  
Filed: September 9, 1999  
Inventor(s): Elizabeth Moyer et al.  
Title: Stable Liquid Formulations of Botulinum Toxin  
Our Reference No.: 31242-701.201

Dear Examiner Devi:

Attached please find a courtesy copy of the Preliminary Amendment that we filed with the United States Patent and Trademark Office via Express Mail on March 9, 2005

Regards,  
Queenie B. Ngo  
Paralegal

Ref: 31242-701.201

Return Original to: Queenie B. Ngo

Location: FH 1/2

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PAGE 1/23 \* RCVD AT 3/9/2005 9:42:43 PM [Eastern Standard Time] \* SVR:USPTO-EFXRF-1/0 \* DNIS:8729306 \* CSID:650 493 6811 \* DURATION (mm:ss):08:00

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TRANSMITTAL  
FORM

(to be used for all correspondence after initial filing)

		Application Number	09/393,590
		Filing Date	September 9, 1999
		First Named Inventor	Elizabeth Moyer et al.
		Art Unit	1645
		Examiner Name	Devi, S. J. N.
Total Number of Pages in This Submission	24	Attorney Docket Number	31242-701.201

## ENCLOSURES (Check all that apply)

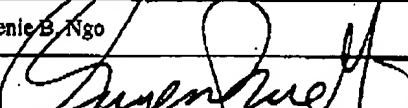
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Article titled, "Microbiological Methods" by Edward J. Schants and Donald A. Kautter; Preliminary Opinion issued by the European Patent Office on; and return receipt postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s)	
<input type="checkbox"/> Certified Copy of Priority Document(s)		
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		

## SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual name	Albert P. Halluin, Reg. No. 25,227, WILSON SONSINI GOODRICH & ROSATI
Signature	
Date	March 9, 2005

## CERTIFICATE OF TRANSMISSION/MAILING

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Typed or printed name	Queenie B. Ngo	Date	March 9, 2005
Signature			

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.4. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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